

In re ) Fair Hearing No. 16,846  
 )  
Appeal of )

The petitioner appeals a decision by the Department of PATH terminating his and his wife's eligibility for VHAP. The issue is whether the petitioner's household income exceeds the program maximum.

1. The petitioner lives with his wife and their three minor children.<sup>1</sup> He is employed, and he recently reported an increase in his income to the Department, which brought his earnings, before taxes, to \$3,970 a month.

3. At a hearing held on February 6, 2000 the petitioner

<sup>1</sup> The petitioner's children receive medical coverage through the Dr. Dynasaur program.

did not contest these figures, but wanted his VHAP to continue until he could obtain health coverage through his employment.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations count gross earned income in determining eligibility subject only to specific deductions found in the regulations. W.A.M. § 4001.81. Under the VHAP program, gross earned income from wages is subjected to a \$90 disregard before eligibility is determined. W.A.M. § 4001.81(e). Remaining income is compared with the VHAP maximum, which is 150% of the poverty line. W.A.M. § 4001.84. The current maximum for a five-person household under VHAP is \$3,076. P-2420(B)(6).

Because the petitioner's household's net income is in excess of the program maximum he and his wife cannot be found eligible for VHAP. As the Department's determination to this effect was consistent with its regulations, the Board must uphold it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

# # #